

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JACOB BAXTER

Plaintiff,

v.

DANNY R. CHEADLE and VILLAGE OF
PALESTINE, ILLINOIS,

Defendants.

Case No. 25-cv-390-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the motion of defendants Danny R. Cheadle and the Village of Palestine, Illinois, to quash service (Doc. 12). They ask the Court to quash the service plaintiff Jacob Baxter attempted to make solely by certified mail of the United States Postal Service. Baxter has not responded to the motion as required by SDIL-LR 7.1(b), so the Court deems him to have consented to the relief requested and the fact supporting that request.

Indeed, neither federal nor state law identifies certified mail alone as an effective method for serving process on an individual or a municipality. *See* Fed. R. Civ. P. 4(e), (j)(2) (service on an individual and municipality, respectively); 735 ILCS § 5/2-202 (persons authorized to serve process); 735 ILCS § 5/2-203 (service on an individual); 735 ILCS § 5/2-211 (service on a municipality); *Young v. City of Bloomington, Ill.*, No. 22-CV-01054-JES-JEH, 2023 WL 2182289, at *3 (C.D. Ill. Feb. 6, 2023), *aff'd*, No. 23-1334, 2023 WL 8074288 (7th Cir. Nov. 21, 2023). Further, Baxter has not carried his burden to identify any other effective method of service he used. *See, e.g., Robinson Eng'g Co. Pension Plan & Tr. v. George*, 223 F.3d 445, 453 (7th Cir. 2000).

In the absence of effective service of process, the Court:

- **GRANTS** the motion to quash (Doc. 12);
- **QUASHES** the service of process attempted by certified mail. The Court reminds Baxter that, pursuant to Federal Rule of Civil Procedure 4(m), he has 90 days from filing the Complaint—up to and including June 23, 2025—to effect service;
- **VACATES** the telephone status conference currently scheduled for May 29, 2025, as well as the current Final Pretrial Conference and Trial Dates. Those dates will be reset when a return of service is filed on any defendant; and
- **EXTENDS** the deadline to submit a Joint Report regarding a Proposed Scheduling and Discovery Order to 28 days after new dates are set.

IT IS SO ORDERED.

DATED: May 28, 2025

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE